

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter of)	CV. NO. 03-00672 SOM-BMK
)	
The Complaint of MORNING STAR)	
CRUISES, INC., a Hawaii corporation.)	
)	
<hr/> SHIROH FUKUOKA, Individually and)	CV. NO. 04-00588 SOM-BMK
as Personal Representative of THE)	
ESTATE OF MITSUKO FUKUOKA,)	[CONSOLIDATED]
and as Next Friend of MIHO)	
FUKUOKA, a Minor,)	DECLARATION OF GREGORY K.
)	MARKHAM
Plaintiffs,)	
)	
vs.)	
)	
MORNING STAR CRUISES, INC., a)	
Hawaii corporation; JOHN DOES 1-)	
10, JANE DOES 1-10, DOE)	
CORPORATIONS 1-10, DOE)	
PARTNERSHIPS 1-10, DOE JOINT)	
VENTURERS 1-10, DOE LIMITED)	
LIABILITY ENTITIES 1-10, DOE)	
NON-PROFIT ENTITIES, 1-10, DOE)	
GOVERNMENTAL ENTITIES 1-10,)	
DOE UNINCORPORATED)	
ENTITIES 1-10, and OTHER DOE)	
ENTITIES 1-10,)	
)	
Defendants.)	
)	

DECLARATION OF GREGORY K. MARKHAM

GREGORY K. MARKHAM, hereby declares as follows:

1. I am an attorney licensed to practice law in all the Courts in the State of Hawaii.
2. I am a partner for the law firm of Chee & Markham and one of the attorneys for Defendant/Limitation Plaintiff Morning Star Cruises, Inc. (hereinafter Morning Star) in the above-entitled matter.
3. I have personal knowledge of and am competent to testify concerning the matters set forth below.
4. Attached hereto as Exhibit "1" is a true and correct copy of the disclaimer signed by Mitsuko Fukuoka.
5. Attached hereto as Exhibit "2" is a true and correct copy of the waiver signed by Mitsuko Fukuoka and translated from Japanese to English by Steven C. Silver of Silver Bridges International, LLC.
6. Attached hereto as Exhibit "3" is a true and correct copy of the instructions given to participants in the SeaWalker activity.
7. Attached hereto as Exhibit "4" is a true and correct copy of the Autopsy Report, Case NO. 02-1079 regarding Mitsuko Fukuoka.
8. Attached hereto as Exhibit "5" is a true and correct copy of the report received from William J. Brady, M.D.

**I, GREGORY K. MARKHAM, DO DECLARE UNDER
PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.**

DATED: Honolulu, Hawaii, September 20, 2006



GREGORY K. MARKHAM